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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,134	03/01/2000	ShaoWei Pan	CE08539R	3918

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MOTOROLA, INC.
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SCHAUMBURG, IL 60196

EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/516,134

Applicant(s)

PAN ET AL.

Examiner

Tilahun B Gesesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to applicant's response filed November 25, 2003 in which claims 1-14 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinchiuso (6,144,651) in view of Chinitz et al "Chinitz" (5,914,958).

As to claims 1-3, 7 and 9-10, Rinchiuso discloses a method for assigning a remote unit a channel within a wireless communication system (figure 1), the method comprising the steps of: receiving a plurality of uplink transmissions from a plurality of remote units (113-117) involved in a group call (column 3 lines 18-34 and figure 1), determining the remote unit from the plurality of remote units (113-117). Rinchiuso does not expressly disclose the remote unit is determined based on an energy of the remote unit's uplink transmission and assigning a high data rate uplink channel based on the determination. However, Chinitz discloses the remote unit is determined based on an energy of the remote unit's uplink transmission (group member D inbound determined in high rate and assigning the remote unit a high-data-rate uplink channel based on the determination (column 6, line 59-column 7, line 9 and figure 5). Since, Rinchiuso, in the same field of endeavor, teach multicast communication and assign supplemental

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channel 205 high data rate to communicate with remote 113 (column 3, lines 62-64) during soft handoff process where the signal strength is weaker. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Rinchiuso and Chinitz to determine the power level of a remote unit and assign a channel with higher data rate or bandwidth "supplemental", as taught by Chinitz, for better reception of communication and less load to the system by identify a specific remote to utilize the supplemental channel.

As to claims 4 and 13, Rinchiuso discloses assigning the remote unit a supplemental channel (column 3 lines 18-21).

As to claims 5 and 8, Rinchiuso discloses receiving data from remote unit via the high data rate channel and broadcasting the data to the plurality of remote units via a high data rate downlink channel (column 3 lines 18-21).

As to claim 6, Rinchiuso discloses receiving a second plurality of uplink transmission from a plurality of remote units (113-117 of figure 1) assigning a second remote unit from the plurality of remote units, wherein the remote unit is determined based on an energy of the remote unit's uplink transmission (column 4 lines 11-33), and assigning the remote unit the high data rate uplink channel based on the determination (column 4 lines 33-44).

Claim 11, which recites the step of implementing apparatus, in stead of method claim 1, is rejected for the same reasons as set forth in the claim.

As to claim 12, Rinchiuso discloses the channel circuitry is traffic channel circuitry (180 of figure 1).

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As to claim 14, Rinchiuso discloses the remote unit has a highest energy of the plurality of remote units (supplemental channel or high speed data channel , column 3 lines 18-21)

Response to Arguments

4. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rinchiuso et al (6,104,709) discloses remote units that wish to receive a multicast session monitor a multicast advertisement message on a system broadcast channel to determine a session to receive (abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TILAHUN GESESSE
PATENT EXAMINER
Art Unit 2684

TBG

February 5, 2004